

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE COLUMBIA UNIVERSITY  
PATENT LITIGATION

MDL No. 04-MD-1592 (MLW)

Civil Action No. 04-10470-MLW  
C.D. Cal. No. CV 02-4349 MRP (CWx)

**COLUMBIA UNIVERSITY'S EMERGENCY MOTION FOR LEAVE TO  
COMPLETE THE DEPOSITION OF AMGEN'S PRINCIPAL EXPERT,  
BRUCE DOLNICK**

Dated: October 1, 2004

Thomas F. Maffei (BBO # 313220)  
Scott McConchie (BBO # 634127)  
Griesinger, Tighe & Maffei, LLP  
176 Federal Street  
Boston, MA 02210-2600  
(617) 542-9900  
(617) 542-0900 (fax)

Wayne M. Barsky  
Kevin S. Rosen  
Amanda Tessar  
Gibson, Dunn & Crutcher LLP  
2029 Century Park East  
Los Angeles, California  
90067-3026  
(310) 552-8500  
(310) 551-8741 (fax)

ATTORNEYS FOR THE TRUSTEES  
OF COLUMBIA UNIVERSITY IN  
THE CITY OF NEW YORK

The Trustees of Columbia University ("Columbia") seek leave pursuant to Federal Rule of Civil Procedure 30(d)(2) to complete the deposition of the principal expert retained by Amgen Inc. and Immunex Corp. (collectively "Amgen") in this case, Dr. Bruce Dolnick. Dr. Dolnick has been deposed for a single, seven-hour day thus far. Columbia believes that Dr. Dolnick's deposition can be completed in a single additional day of seven hours of testimony, and seeks no more than that amount of time by this motion. Columbia requests that it be permitted to complete Dr. Dolnick's deposition within a reasonable time before its responses to summary judgment motions are due.

The bases for Columbia's motion are set forth in the memorandum of law in support of this motion.

Respectfully submitted,

THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK

By its attorneys,

/s/ Wayne M. Barsky  
Wayne M. Barsky  
Gibson, Dunn & Crutcher LLP

/s/ Scott McConchie  
Scott McConchie  
Griesinger Tighe & Maffei, LLP

Dated: October 1, 2004

Certificate Under L.R. 7.1

In accordance with Local Rule 7.1(a)(2), Wayne Barsky, counsel for Columbia, certifies that he conferred with Amgen's counsel, Vicki Norton and Lara Payne, on September 29, 2004 about this Motion and attempted in good faith to resolve the matter, but was unable to reach agreement.

/s/ Wayne M. Barsky  
Wayne M. Barsky  
Gibson, Dunn & Crutcher LLP